

ILLINOIS COMMERCE COMMISSION

OFFICIAL FILE

LOG. DOCKET NO. 00-0453

Docket No. 00-0453

T. B. A. Exhibit No. A

Witness G. Waller

Date _____ Reporter _____

Application for a certificate of local exchange authority)
to operate as both a reseller and facilities based)
carrier of telecommunications services;)
and,)
Application for a certificate of interexchange authority)
to operate as a reseller of telecommunications services)
in the State of Illinois.)

Amended

DIRECT TESTIMONY
of
GRANT WULLER
President and CEO
Peak Communications, Inc.

1 PEAK COMMUNICATIONS, INC.
2 DIRECT TESTIMONY OF GRANT WULLER
3
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6 I. INTRODUCTION

7 Q. WILL YOU STATE YOUR NAME AND BUSINESS ADDRESS, PLEASE?

8 A. Grant Wuller, Suite 1A, 6400 West Main Street, Belleville, IL 62223
9

10 Q. BY WHOM ARE YOU EMPLOYED AND WHAT IS YOUR POSITION?

11 A. I am employed by Peak Communications, Inc. as President and CEO.
12

13 Q. WHAT ARE YOUR RESPONSIBILITIES AS PRESIDENT AND CEO?

14 A. I am the principal owner and will handle the day to day operations of the
15 Company.
16

17 Q. MR. WULLER, WHAT IS THE PURPOSE OF YOUR TESTIMONY?

18 A. The purpose of my testimony is to provide additional information related to
19 Peak Communication's application to be certified as a local exchange carrier
20 and to operate as a reseller of telecommunications services in the State of
21 Illinois.
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2 II. OPERATIONAL ISSUES
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4 Q. PLEASE PROVIDE THE NAME, ADDRESS, TELEPHONE, AND FAX NUMBER
5 OF THE PERSON AT YOUR COMPANY THAT WILL BE RESPONSIBLE FOR
6 WORKING WITH THE COMMISSION=S CONSUMER SERVICES DIVISION FOR
7 COMPLAINT RESOLUTION?

8 A. Michelle Wuller, Suite 1A, 6400 West Main Street, Belleville, IL 62223

9 Voice Telephone: (618) 398-5612

10 Fax Telephone: (618) 398-5618

11 E-mail: mwuller@peaknet.net
12

13 Q. IS YOUR COMPANY SEEKING ANY WAIVERS OR VARIANCES OF CERTAIN
14 COMMISSION RULES AND REGULATIONS IN THIS PROCEEDING THAT
15 PERTAIN TO LOCAL EXCHANGE SERVICE? PLEASE PROVIDE EVIDENCE AS
16 TO WHY YOUR COMPANY IS SEEKING ANY WAIVER OR VARIANCE.

17 A. Peak Communications is seeking a waiver related to 83 Illinois Administrative
18 Code Part 710 (Uniform System of Accounts for Telecommunications Carriers).
19 As a CLEC, the Company is exempt from FCC Part 32 (USOA). I have attached
20 the Chart of Accounts the Company will be using.
21

22 Q. WILL YOUR COMPANY COMPLY WITH 83 ILLINOIS ADMINISTRATIVE CODE
23 PART 772, PAY-PER-CALL SERVICES, INCLUDING PART 772.55(A)(1), BILLING
24 AND PART 772.100(D) NOTICES?

25 A. Peak Communications will not be transporting or providing pay-per-call service
26 within the State of Illinois, as defined in Section 13-202 of the Public Utilities
27 Act.
28

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2 Q. WILL YOUR COMPANY COMPLY WITH 83 ILLINOIS ADMINISTRATIVE CODE
3 PART 705, PRESERVATION OF RECORDS OF TELEPHONE UTILITIES?

4 A. Peak Communications will comply with 83 Illinois Administrative Code Part
5 705. It has designated Grant Wuller to be responsible to supervise the
6 Company's program for the preservation and the authorized destruction of its
7 records.

8
9 Q. WILL YOUR COMPANY ABIDE BY 83 ILLINOIS ADMINISTRATIVE CODE PART
10 735, "PROCEDURES GOVERNING THE ESTABLISHMENT OF CREDIT,
11 BILLING, DEPOSITS, TERMINATION OF SERVICE AND ISSUANCE OF
12 TELEPHONE DIRECTORIES FOR TELEPHONE UTILITIES IN THE STATE OF
13 ILLINOIS"?

14 A. Peak Communications' local exchange operation will abide by 83 Illinois
15 Administrative Code Part 735 except for Section 735.180. The company is
16 seeking a waiver of the Section because it is not required to nor does it wish to
17 publish a telephone directory. It will, as a matter of operational policy, ensure
18 that Peak Communications' customers are included in the directory of the
19 appropriate incumbent LEC.

20
21 Peak Communications' interexchange telecommunications services reseller is
22 seeking a waiver of the entire section

23
24 Q. WHO WILL PROVIDE CUSTOMER REPAIR SERVICE FOR YOUR COMPANY?

25 A. Until such time as the Company provides it own local network and customer
26 loops, repair services will be provided by the local exchange carrier providing
27 the Unbundled Network Elements required to reach the customer.

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Q. HOW MANY PEOPLE DOES THE COMPANY EMPLOY?

A. The Company employs three individuals. Prior to business commencing, additional personnel will be added to meet the needs of the business.

Q. WILL YOUR COMPANY MEET THE REQUIREMENTS AS THEY PERTAIN TO THE TELEPHONE ASSISTANCE PROGRAMS IMPOSED BY SECTIONS 13.301 AND 13.301.1 OF THE ILLINOIS PUBLIC UTILITIES ACT AND 83 ILLINOIS ADMINISTRATIVE CODE PART 757?

A. Yes, were applicable

Q. WILL YOUR COMPANY SOLICIT, COLLECT, AND REMIT THE VOLUNTARY CONTRIBUTIONS FROM ITS TELEPHONE SUBSCRIBERS TO SUPPORT THE TELEPHONE ASSISTANCE PROGRAMS?

A. Yes.

Q. DOES YOUR COMPANY PLAN ON FILING TO BECOME AN ELIGIBLE TELECOMMUNICATIONS CARRIER?

A. Yes.

Q. DOES THE COMPANY REALIZE THAT IT WILL NOT BE ABLE TO RECEIVE ANY OF THE FEDERAL REIMBURSEMENTS FOR THE LIFELINE AND LINK UP PROGRAMS IF IT IS NOT AN ELIGIBLE CARRIER?

A. Yes.

1
2 Q. WILL YOUR COMPANY OFFER ALL OF THE WAIVERS ASSOCIATED WITH THE
3 UNIVERSAL TELEPHONE SERVICE ASSISTANCE PROGRAMS (UTSAP)?

4 A. Yes, were applicable
5

6 Q. WILL YOUR COMPANY ABIDE BY THE REGULATIONS AS PRESCRIBED IN 83
7 ILLINOIS ADMINISTRATIVE CODE PART 755, "TELECOMMUNICATIONS
8 ACCESS FOR PERSONS WITH DISABILITIES," 83 ILLINOIS ADMINISTRATIVE
9 CODE PART 756 "TELECOMMUNICATIONS RELAY SERVICE," AND SECTIONS
10 13-703 OF THE ILLINOIS PUBLIC UTILITIES ACT?

11 A. Yes.
12

13 Q. WILL THE COMPANY'S BILLING SYSTEM BE ABLE TO DISTINGUISH
14 BETWEEN RESALE AND FACILITIES BASED SERVICE FOR THE COLLECTION
15 OF THE ITAC LINE CHARGE?

16 A. Yes.
17

18 Q. HAS YOUR COMPANY SIGNED AND RETURN THE UNIVERSAL TELEPHONE
19 ASSISTANCE CORPORATION (UTAC) AND THE ILLINOIS
20 TELECOMMUNICATIONS ACCESS CORPORATION (ITAC) TO COMMISSION
21 STAFF?

22 A. Not as of the date of the Company's application. Both documents will be
23 provided prior to business commencing.
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2 Q. PLEASE DESCRIBE YOUR COMPANY'S INTERNAL PROCESS FOR COMPLAINT
3 RESOLUTION, THE ESCALATION PROCESS WITHIN YOUR COMPANY, AND
4 WHEN A CUSTOMER IS NOTIFIED THAT THEY MAY CONTACT THE ILLINOIS
5 COMMERCE COMMISSION FOR ASSISTANCE.

6 A. Resolution of a customer complaint is handled in a three-step process. If the
7 Customer Service Representative can not meet the customer's needs it is
8 escalated to his or hers supervisor. If it the complaint is still not resolved it is
9 passed Grant Wuller the Company's President.

10 At the time a customer is added, information will be provided describing how
11 and where to contact the Illinois Commerce Commission for assistance or the
12 filing of a complaint.

13
14 Q. WILL THE COMPANY FILE TARIFFS FOR ALL SERVICES AND CHARGES
15 ASSOCIATED WITH PROVIDING LOCAL TELEPHONE SERVICE.

16 A. Yes.

17
18 Q. HOW DOES YOUR COMPANY PLAN TO SOLICIT CUSTOMERS ONCE IT
19 BEGINS TO PROVIDE LOCAL SERVICE.

20 A. The Company will employ various types of marketing approaches to reach
21 potential customers. They include but are not limited to:

22 Print media
23 Radio/TV
24 Mailings
25 On site sales calls
26

27 Q. WILL YOUR COMPANY ABIDE BY FEDERAL AND STATE SLAMMING LAWS?

28 A. Yes.

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2 Q. HAS YOUR COMPANY WRITTEN GUIDELINES TO PREVENT THE
3 UNAUTHORIZED SLAMMING OF LOCAL EXCHANGE CUSTOMERS?

4 A. As a start up company, Peak Communications has not written guidelines
5 related to the prevention of unauthorized slamming of local exchange
6 customers. As the Company grows, guidelines will be developed.

7
8 Q. HAS YOUR COMPANY PROVIDED SERVICE UNDER ANY OTHER NAME?

9 A. No

10
11 Q. HAVE ANY COMPLAINTS OR JUDGEMENTS BEEN LEVIED AGAINST THE
12 COMPANY? (INSTATE, OUT-OF-STATE, OR FCC).

13 A. No.

14
15
16 III. 911 ISSUES

17
18 Q. PLEASE PROVIDE THE NAME, ADDRESS, TELEPHONE AND FAX NUMBER OF
19 THE 911 CONTACT PERSON FOR YOUR COMPANY.

20 A. Michelle Wuller, Suite 1A, 6400 West Main Street, Belleville, IL 62223

21 Voice Telephone: (618) 398-5612

22 Fax Telephone: (618) 398-5618

23 E-mail: mwuller@peaknet.net

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2 Q. WILL YOUR COMPANY ENSURE THAT 911 TRAFFIC IS HANDLED IN
3 ACCORDANCE WITH THE 83 ILLINOIS ADMINISTRATIVE CODE PART 725
4 AND THE EMERGENCY TELEPHONE SYSTEM ACT?

5 A. Yes.
6

7 Q. WILL YOUR COMPANY CONTACT AND ESTABLISH A WORKING
8 RELATIONSHIP WITH THE 911 SYSTEMS WHEN YOU BEGIN TO PROVIDE
9 LOCAL TELEPHONE SERVICE?

10 A. Yes.
11

12 Q. WILL YOUR COMPANY COORDINATE WITH THE INCUMBENT LEC(S) AND
13 LOCAL 911 SYSTEMS TO PROVIDE TRANSPARENT SERVICE FOR YOUR
14 LOCAL EXCHANGE CUSTOMERS?

15 A. Yes.
16

17 Q. WHO WILL BE RESPONSIBLE FOR BUILDING AND MAINTAINING THE 911
18 DATABASE FOR YOUR LOCAL EXCHANGE CUSTOMERS?

19 A. Michelle Wuller, Suite 1A, 6400 West Main Street, Belleville, IL 62223
20 Voice Telephone: (618) 398-5612
21 Fax Telephone: (618) 398-5618
22 E-mail: mwuller@peaknet.net
23

24 Q. HOW OFTEN WILL YOUR COMPANY UPDATE THE 911 DATABASE WITH
25 CUSTOMER INFORMATION?

26 A. As often as prescribed by applicable 911 procedures.
27

1 Q. WILL YOUR COMPANY'S BILLING SYSTEM HAVE THE ABILITY TO
2 DISTINGUISH BETWEEN FACILITIES BASED AND RESALE FOR THE
3 COLLECTION OF THE 911 SURCHARGE?

4 A. Yes.
5

6 Q. DOES YOUR COMPANY HAVE PROCEDURES FOR THE TRANSITIONING OF
7 THE 911 SURCHARGE COLLECTION AND DISBURSEMENT TO THE LOCAL
8 911 SYSTEM?

9 A. The Company is not in operation. It will have the necessary procedures in
10 place prior to business commencing.
11

12 Q. WILL YOUR COMPANY'S PROPOSAL REQUIRE ANY NETWORK CHANGES TO
13 ANY OF THE 911 SYSTEMS?

14 A. No.
15

16 Q. WILL YOUR COMPANY BE ABLE TO MEET THE REQUIREMENTS SPECIFIED
17 UNDER PART 725.500(O) AND 725.620(B) FOR THE INSTALLATION OF CALL
18 BOXES?

19 A. To the degree necessary, the Company will meet all requirements of 83 Illinois
20 Administrative Code Part 725.
21

22 Q. DOES YOUR COMPANY PLAN TO FILE FOR A WAIVER OF PART 725.500(O)
23 AND 725.620(B) IN THE FUTURE?

24 A. It is not known at this time if a waiver of 83 Illinois Administrative Code Parts
25 725.500(o) and 725.620(b) will be made in the future.
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6 IV. FINANCIAL QUESTIONS
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8 Q. WHAT CIRCUMSTANCES WARRANT A DEPARTURE FROM THE PRESCRIBED
9 UNIFORM SYSTEM OF ACCOUNTS (USOA)? (ANSWER IF REQUESTING
10 WAIVER OF PART 710)

11 A. At this time Peak Communications as a competitive local exchange carrier is
12 not required to maintain its books and records on a FCC Part 32 (USOA) basis.
13

14 Q. WILL RECORDS BE MAINTAINED IN ACCORDANCE WITH GENERALLY
15 ACCEPTED ACCOUNTING PRINCIPLES (GAAP)?

16 A. Yes.
17

18 Q. WILL APPLICANTS ACCOUNTING SYSTEM PROVIDE AN EQUIVALENT
19 PORTRAYAL OF OPERATING RESULTS AND FINANCIAL CONDITION AS THE
20 USOA?

21 A. Yes.
22

23 Q. WILL APPLICANTS ACCOUNTING PROCEDURES MAINTAIN OR IMPROVE
24 UNIFORMITY IN SUBSTANTIVE RESULTS AS AMONG SIMILAR
25 TELECOMMUNICATIONS COMPANIES?

26 A. Yes.

27 Q. WILL APPLICANT MAINTAIN ITS RECORDS IN SUFFICIENT DETAIL TO

1 FACILITATE THE CALCULATION OF ALL APPLICABLE TAXES?

2 A. Yes.

3
4
5
6 Q. DOES THE ACCOUNTING SYSTEM CURRENTLY IN USE BY APPLICANT
7 PROVIDE SUFFICIENTLY DETAILED DATA FOR THE PREPARATION OF
8 ILLINOIS GROSS RECEIPTS TAX RETURNS? WHAT SPECIFIC ACCOUNTS OR
9 SUB-ACCOUNTS PROVIDE THIS DATA?

10 A. Currently the Company is not in operation. However, its accounting system
11 when deployed will provide sufficiently detailed data for the preparation of
12 Illinois Gross Receipts Tax returns.

13
14 Q. IF A WAIVER OF PART 710 IS GRANTED, WILL APPLICANT PROVIDE ANNUAL
15 AUDITED STATEMENTS OR ALL PERIODS SUBSEQUENT TO GRANTING OF
16 THE WAIVER?

17 A. Yes.

18
19 Q. DOES APPLICANT AGREE THAT THE REQUESTED WAIVER OF PART 710
20 WILL NOT EXCUSE IT FROM COMPLIANCE WITH FUTURE COMMISSION
21 RULES OR AMENDMENTS TO PART 710 OTHERWISE APPLICABLE TO THE
22 COMPANY?

23 A. Yes.

24
25
26 V. PREPAID LOCAL SERVICE

- 1 Q. Will the Company offer prepaid local services?
- 2 A. No.

Sainsot, Claudia

From: Jackson, Cindy
Sent: Tuesday, July 18, 2000 11:49 AM
To: Sainsot, Claudia; Koch, Robert
Subject: FW: Ammendments to Testimony for Peak Communications

Gwtstmy3.doc

FYI.....

-----Original Message-----

From: Michelle Wuller [mailto:mwuller@peaknet.net]
Sent: Sunday, July 16, 2000 3:20 PM
To: cjackson@icc.state.il.us
Subject: Ammendments to Testimony for Peak Communications

Cindy,

I am sending you an amended version of our testimony. The only changes are concerning Section 2, page 4, line 7; and page numbers have been added along with our docket number. I did receive your letter and I am waiting on a call back from Claudia Sainsot to schedule a hearing date. If there is anything further you need, please let me know. I am sending Claudia a copy in the mail of the amended testimony.

Thank you,
Michelle Wuller